REMARKS

The Examiner objected to the title of the invention as not being descriptive. Accordingly, Applicant amended the title to read, "Disk Cartridge Having Anti-Static Layer and Disk Apparatus for Driving the Same". Applicant requests withdrawal of the objection on this basis.

Claims 1-2 and 5 stand rejected under 35 U.S.C. 102(b) as being anticipated by Elly et al. (U.S. Patent No. 4,928,194). In response, Applicant amended claims 1-2 to overcome the rejection, and respectfully traverses. Applicant traverses the rejection because the cited reference does not disclose (or suggest), among other things, that an elastic member is provided on an inner surface of a casing to contact a non-recording portion of a disk, and that the elastic member has a non-deformed state for keeping the disk away from the anti-static layer and an elastically deformable state allowing the disk to contact the anti-static layer.

Elly discloses a resilient member 19 (see Fig. 1) provided for seating a rotatable drive mechanism (Col. 2, lns. 63-66). The resilient member 19 contacts the hub 16, but does not contact any portion of the magnetic disk 12. Thus, the resilient member 19 of Elly does not contact the disk like the elastic member of the present invention.

As shown in FIGs. 14 and 15 of the present invention, the elastic member 19 normally assumes a non-deformed state to keep the disk D away from the anti-static layer 16, and thereby prevent the disk D during rotation from coming into damaging contact with the

anti-static layer 16. As further shown in FIG. 16, when the elastic member 19 is elastically deformed by braking contact with the disk D, which is lowered by a lowering movement of the spindle motor 32 having a magnet holder 6, the disk D comes into a discharging contact with the anti-static layer 16. In this situation, however, since the disk D is almost or completely stopped, the recording portion of the disk D does not come into damaging contact with the anti-static layer 16. This is because the elastic member 19 contacts only the non-recording portion of the disk D. For these reasons, withdrawal of the §102 rejection of independent claim 1 and its associated depending claims 2 and 5 is respectfully requested.

Claims 6-8, 10-11 and 13-15 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ogura (Granted Japanese Patent Heisei 6-48590). In response, Applicant amended claim 6 similar to claim 1, and respectfully traverses the rejection for the same reasons recited above with respect to the rejection of independent claim 1 based on Elly.

Ogura discloses as the second embodiment shown in Figs. 4 and 5 a soft member or cloth 31, which is an anti-static member that comes into discharging contact with the recording portion of the disk 2 (see the last paragraph of page 12). In the first embodiment shown in Figs. 1-3 of Ogura, the element numbered 6 is an anti-static layer (conductive layer). However, no elastic member is provided in this embodiment. The soft member 31 according to the second embodiment is provided as a substitute for the anti-static layer 6. Applicant believes that the Examiner may have confused the first embodiment of Ogura with the second embodiment.

According to the present invention, however, the elastic member is an element separate from the anti-static layer that can contact the non-recording portion of the data storage disk. Since Ogura fails to disclose (or suggest) an elastic member provided on an inner surface of a casing for contact with the non-recording portion of a disk and that the elastic member assumes a non-deformed state for keeping a disk away from an anti-static layer while also assuming an elastically deformed state for allowing a disk to move in a contact with the anti-static layer in the discharged position of the disk, as now recited in amended claim 6, withdrawal of the §102 rejection of claims 6-8, 10-11 and 13-15 is respectfully requested.

Claims 3-4 and 9 stand rejected under 35 U.S.C. 103(a) as being obvious over combinations of the Elly, Ogura, and Rudi et al. (U.S. Patent No. 5,475,548) references. Applicant respectfully traverses the rejection. Claims 3-4 and 9 ultimately depend from claims 1 and 6, respectfully. As such, for at least the reasons argued above in traversing the §102 rejections of independent claims 1 and 6, and because Rudi fails to overcome the deficiencies noted above of the Elly and Ogura references, Applicant submits that the §103 rejection of claims 3-4 and 9 is traversed.

New claim 16 is added and is allowable claim 12 written in independent form. For this reason, allowance of new claim 16 is earnestly solicited.

For all of the foregoing reasons, Applicant submits that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By 
Joseph P. Fox
Registration No. 41,760

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300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
Tel.: (312) 360-0080
Fax: (312) 360-9315
Customer Number: 24978